

## CHAPTER 43-11 COSMETOLOGISTS

### 43-11-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the state board of cosmetology.
2. "Cosmetologist" means an individual licensed under this chapter to practice cosmetology.
3. "Cosmetology" means any one or a combination of practices generally and usually performed by and known as the occupation of beauty culturists or cosmeticians or cosmetologists or hairdressers, or of any other individual holding out as practicing cosmetology by whatever designation and within the meaning under this chapter and in and upon whatever place or premises.
  - a. The term includes:
    - (1) Hair care, including arranging, dressing, curling, waving, permanent waving, cleansing, cutting, shaving, trimming, singeing, bleaching, coloring, straightening, or similar work, upon the hair of any individual by any means or with hands or mechanical or electrical apparatus or appliances;
    - (2) Skin care;
    - (3) Manipulation and application of product to eyelashes and eyebrows, including extensions, design, treatment, tinting, and lightening;
    - (4) Hair extensions using chemical hair joint agents, such as synthetic tape, keratin bonds, or fusion bonds; and
    - (5) Manicuring.
  - b. The term does not include natural hair braiding or threading.
4. "Esthetician" means an individual licensed under this chapter to practice esthetics and skin care.
5. "Esthetics" means manipulation and application of product to eyelashes and eyebrows, including extensions, design, treatment, tinting, and lightening and skin care.
6. "Independent licensee" is a licensed individual who maintains a separate salon license and operates independently from the establishment owner in which the individual's suite or chair is located.
7. "Instructor" means an individual who is a licensed cosmetologist, esthetician, or manicurist who teaches cosmetology, esthetics, manicuring, or other practices within the scope of the individual's license, in a duly registered school of cosmetology, and who has met the requirements of section 43-11-27 and has applied for and received an instructor's license.
8. "Invasive care" means any procedure that invades the live tissue of the dermis by any means, including cutting, puncturing, burning, insertion of instruments, and includes:
  - a. Laser use; and
  - b. Chemical peels using:
    - (1) Thirty percent or higher concentration of alpha hydroxy acid;
    - (2) Twenty percent or higher concentration of beta hydroxy acid;
    - (3) Two percent or higher concentration of resorcinol;
    - (4) Fifteen percent or higher concentration of trichloroacetic acid (TCA); or
    - (5) Fifteen percent or higher concentration of phenol.
9. "Manicuring" means:
  - a. Cleansing, cutting, shaping, or beautifying nails;
  - b. Massaging from the elbow to the fingertips or knee to toes of any individual;
  - c. Caring for and treating the cuticles and nails; and
  - d. The application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances.
10. "Manicurist" means an individual licensed under this chapter to practice manicuring.
11. "Master cosmetologist" means an individual who has met the requirements of section 43-11-26 and has applied for and received a master cosmetologist license.

12. "Master esthetician" means an individual who has met the requirements of section 43-11-26 and has applied for and received a master esthetician license.
13. "Master manicurist" means an individual who has met the requirements of section 43-11-26 and has applied for and received a master manicuring license.
14. "Mechanical device" means a clip, comb, crochet hook, curler, curling iron, hairpin, roller, scissors, blunt-tipped needle, thread, and hair binder.
15. "Natural hair braiding" means the service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with a mechanical device. Natural hair braiding is commonly known as "African-style hair braiding" but is not limited to any particular cultural, ethnic, racial, or religious forms of hairstyles.
  - a. The term includes:
    - (1) The use of natural or synthetic hair extensions, natural or synthetic hair and fibers, and decorative beads and other hair accessories;
    - (2) Minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair;
    - (3) The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions; and
    - (4) The use of topical agents, such as conditioners, gels, moisturizers, oils, pomades, and shampoos, in conjunction with performing services under paragraph 1 or 2.
  - b. The term does not include:
    - (1) The application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair; or
    - (2) The use of chemical hair joining agents, such as synthetic tape, keratin bonds, or fusion bonds.
16. "Noninvasive care" includes treatments confined to the nonliving cells of the stratum corneum of the epidermis. Noninvasive care must be in a superficial mode and not for the treatment of medical disorders, and living cells may not be altered, cut, or damaged.
17. "Salon" means an establishment in a fixed location, not used as sleeping or living quarters, licensed under this chapter where cosmetology services are provided.
18. "School of cosmetology" means an establishment operated for the purpose of teaching cosmetology.
19. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, performing noninvasive hair removal, including waxing and tweezing; beautifying, or similar noninvasive care and work on the body of any individual. The term does not include invasive care or threading.
20. "Student" means any individual who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in any school registered or licensed and under the immediate supervision of an instructor licensed as such under this chapter.
21. "Student instructor" means a cosmetologist, esthetician, or manicurist who is receiving instruction in teacher's training within the scope of the individual's license in a duly registered school of cosmetology.
22. "Threading" means the method of removing hair from the eyebrows, upper lip, or other body part by using cotton thread to pull hair from follicles.
  - a. The term may include the use of an over-the-counter astringent, gel, and powder, tweezers, and scissors, incidental to the removal of hair by threading.
  - b. The term does not include the use of chemicals, heat, or any type of wax.
23. "Tuition" means the total cost of an individual's cosmetology studies, and does not include books or demonstration kits.

**43-11-02. Exemptions from provisions of chapter.**

This chapter does not apply to:

1. Services provided by individuals practicing cosmetology upon members of the individual's immediate families.
2. Services by nurses, undertakers, and morticians lawfully engaged in the performance of the usual and ordinary duties of their vocation.
3. Educational activities conducted in connection with any regularly scheduled meeting or any educational activities of any bona fide association of licensed cosmetologists, estheticians, or manicurists from which the general public is excluded. For purposes of this subsection, a "bona fide association of cosmetologists" means any organization whose constitution, bylaws, or membership rules establish within said organization a class of membership consisting of licensed cosmetologists.
4. Services provided by retailers or their sales personnel trained in the demonstration of cosmetics application if the cosmetics are applied only with disposable applicators that are discarded after each customer demonstration. The board may adopt rules to ensure sanitary conditions for services provided under this exemption.
5. Services provided in a licensed hospital or a nursing home by an individual practicing cosmetology on a volunteer basis without compensation or by a nurse's assistant.
6. Skin care provided by a licensed cosmetologist or esthetician outside of a licensed salon if the services are being provided under the supervision, control, and responsibility of a physician or physician assistant practicing within the scope of the physician's or physician assistant's license under chapter 43-17, or nurse practicing within the scope of the nurse's license under chapter 43-12.1.

#### **43-11-03. State board of cosmetology - Appointment - Term - Removal.**

The state board of cosmetology consists of five members appointed by the governor for three years each, with their terms of office so arranged that no more than two terms expire on June thirtieth of each year. Each member shall qualify by taking the oath required of civil officers and shall hold office until a successor is appointed and qualified. The governor may remove from office a member for misconduct, malfeasance, neglect of duty in office, crime in office, gross incompetency, or habitual drunkenness. A vacancy on the board must be filled by appointment by the governor for the unexpired term.

#### **43-11-04. Members of board - Qualifications.**

Each member of the board must be a citizen of this state. Three of the members of the board must each be a licensed cosmetologist who has had at least three years' practical experience in the occupation. One member of the board must have professional experience as a secondary teacher or as a postsecondary educator. One member of the board must be a licensed health care provider.

#### **43-11-05. Officers of board - Powers - Rulemaking.**

The members of the board annually shall elect a president and a secretary from the members of the board. The president and the secretary may administer oaths. The board may adopt rules necessary to implement this chapter.

#### **43-11-06. Compensation of members of board - How paid.**

Each member of the board is entitled to receive compensation in the amount provided for members of the legislative management under section 54-35-10 for each day employed in the actual discharge of official duties, as determined by the board. Expenses incurred by a board member in the performance of an official function are payable by the board pursuant to sections 44-08-04 and 54-06-09. The compensation and expenses of all members of the board must be paid from the license fees and other sources of income of the board.

#### **43-11-07. Bond of secretary.**

Before entering upon the discharge of duties, the secretary of the board must be bonded for the faithful discharge of duties in the amount of five thousand dollars, and the premium for the

bond must be paid out of the funds received by the board. The bond and oath of office must be deposited with the secretary of state.

**43-11-08. Meetings of the board.**

The board shall meet at least twice each year at times determined by the board. The board shall publish annually the time and place of its regularly scheduled meetings. A majority of the members constitutes a quorum.

**43-11-09. Fees - Deposited with state treasurer - Expenses - How paid.**

Repealed by S.L. 1971, ch. 510, § 15.

**43-11-10. Records of board - Fees - Expenses - How paid.**

The secretary of the board shall keep a record of the board's proceedings and a register of applicants for licensure showing the name of the applicant, the name and location of the applicant's place of occupation or business, and whether the applicant was granted or refused a license. The books and records of the board are prima facie evidence of matters therein contained and constitute public records. All fees and payments required to be paid by applicants for examinations or licenses must be deposited with the secretary of the board. The secretary shall pay all expenses incurred in the operation of maintaining an office for the purpose of carrying out this chapter from fees and other income.

**43-11-11. Rules of cleaning and disinfecting - Practice outside salon.**

The board with the approval of the department of health and human services shall adopt rules of cleaning and disinfecting necessary to prevent the creating and spreading of infectious and contagious diseases. A cosmetologist, esthetician, or manicurist may practice outside of a licensed salon under rules adopted by the board. The board shall inspect salons to assure compliance with rules of cleaning and disinfecting.

**43-11-11.1. Use of brush rollers authorized.**

An individual licensed under this chapter may use brush rollers in the performance of cosmetology and hairdressing or hairsetting services if the rollers are cleaned and disinfected after each use in conformity with rules adopted by the board.

**43-11-12. Employees of board.**

The board may employ support staff and other individuals knowledgeable in cosmetology for conducting examinations, inspections, and investigations of licensees regulated under this chapter. Any individual employed by the board is entitled to receive expenses in the amounts payable under sections 44-08-04 and 54-06-09.

**43-11-13. License required.**

An individual may not:

1. Advertise, engage in, or attempt to engage in the occupation of cosmetology, nor conduct a cosmetology salon or school of cosmetology unless having first obtained a license.
2. Employ an unlicensed individual to perform cosmetology unless otherwise provided under this chapter.

**43-11-13.1. License - Master esthetician and master manicurist.**

Repealed by S.L. 2021, ch. 309, § 31.

**43-11-13.2. Homebound license.**

Repealed by S.L. 2021, ch. 309, § 31.

**43-11-14. Licenses - Board to issue - Form - Displayed.**

The board may issue all licenses provided for under this chapter. Each license issued must be:

1. Signed by the secretary of the board;
2. Attested by the seal of the board; and
3. Displayed in clear view to the public where services are being provided.

**43-11-15. Salon ownership and operation.**

1. A salon may be owned by any person authorized to do business in this state.
  - a. A cosmetology salon must be supervised by a master cosmetologist.
  - b. A salon providing only skin care or esthetics must be supervised by a master cosmetologist or master esthetician.
  - c. A manicuring salon must be supervised by a master cosmetologist or master manicurist.
2. The board shall determine the qualifications by rule for licensure and license fees for a salon license.

**43-11-16. Schools of cosmetology - Qualifications for licensure.**

1. A license must be granted to a school of cosmetology upon an application to the board and the payment of the license fee if the school:
  - a. Is operated and maintained in premises separate from any cosmetology salon;
  - b. Requires a minimum of one thousand five hundred hours of training and instruction in cosmetology, six hundred hours of training and instruction in esthetics, or three hundred fifty hours of training and instruction in manicuring, not to exceed eight hours per day;
  - c. Employs at least two full-time licensed instructors and maintains a maximum student-to-instructor ratio of twenty-four-to-one based on current enrollment, except a school that provides training and instruction limited to esthetics or manicuring shall maintain a maximum student-to-instructor ratio of twelve-to-one based on current enrollment;
  - d. Possesses apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum;
  - e. Maintains a record of the attendance and performance of each student;
  - f. Maintains regular class and instruction hours to include practical demonstrations and theoretical studies supplemented by audiovisual aids, and studies in sanitation, sterilization, and other safety measures and the use of antiseptics, cosmetics, and electrical appliances consistent with the practical and theoretical requirements as applicable to cosmetology;
  - g. Agrees not to:
    - (1) Permit any student to practice on any individual who is not an instructor or registered student of the school until the student has completed at least twenty percent of the total hours of instruction required under this chapter and only if the practice is under the immediate direction and supervision of a licensed instructor; or
    - (2) Compensate any of the school's basic students in any way; and
  - h. At the time of application for licensure and upon the renewal of a license, furnishes to the board, and maintains in force at all times the license is in effect, a bond in the penal sum of ten thousand dollars. The bond must run in favor of the board, as agent of the state, and must be furnished by a surety company authorized to do business in this state. It must be conditioned upon the bonded school's providing its registered students with the full course of instruction required under this chapter and must provide for a refund of a proportionate amount of each student's tuition fee upon default.
2. Any school that enrolls student instructors shall set up an adequate course of training with the approval of the board and may not have at any one time more than two student instructors for each licensed instructor actively engaged in the school.

**43-11-16.1. Internships and apprenticeship programs.**

The board may establish internships with the schools of cosmetology and may establish apprenticeship programs. The board may adopt rules related to the licensure and discipline of interns and apprentices practicing in programs established under this section.

**43-11-17. Licenses issued for schools of cosmetology and cosmetology salons - Fee for registration.**

The board shall issue, after inspection and approval, a license for a school of cosmetology. The registration fee for a school must be determined by the board as set forth in section 43-11-28. The board shall issue, after inspection and approval, a salon license, the fee for which must be determined by the board as set forth in section 43-11-28.

**43-11-18. School advertising must disclose work done by students - Violation - Cancellation of license.**

No person, firm, corporation, or limited liability company operating or conducting a school of cosmetology may advertise to perform any of the practices of cosmetology without disclosing that the practice offered is to be performed by students under the supervision of a licensed instructor. If any school violates this section, the board, after notice and hearing and a determination of the violation, shall cancel the license granted to the school.

**43-11-19. Students - Registration.**

1. A student must:
  - a. Adhere to the laws and rules regarding the practice of cosmetology;
  - b. Have educational qualifications equivalent to completion of four years of high school; and
  - c. Have enrolled in a school of cosmetology and complied with the preliminary requirements thereof.
2. The names and qualifications of all students must be certified to the board by each school of cosmetology. The certification must be accompanied by a processing fee for each student in an amount as may be determined by the board under section 43-11-28.

**43-11-20. Student practice.**

Repealed by S.L. 2021, ch. 309, § 31.

**43-11-20.1. Refund of student tuition fees upon cancellation of course.**

Schools of cosmetology shall refund tuition and other charges paid by or on behalf of a student when written notice of cancellation is given by the student. Refunds must be made in accordance with the following schedule:

Hours Enrolled	Tuition Retained By School
0.0% - 4.9%	20%
5% - 9.9%	30%
10% - 14.9%	40%
15% - 24.9%	45%
25% - 49.9%	70%
Over 50%	100%

Notice of this section and of sections 43-11-20.2 and 43-11-20.3 must be posted in clear view to the public where services are being provided in each school of cosmetology. The notice must be in a form and contain information as prescribed by the board. The board shall take action necessary to enforce this section and sections 43-11-20.2 and 43-11-20.3, including revocation of the license issued pursuant to section 43-11-17. This section does not prejudice the right of any student to commence a civil action against any school of cosmetology for breach of contract or fraud.

#### **43-11-20.2. Negotiation of promissory instruments.**

No school of cosmetology may negotiate any promissory instrument received as payment for tuition or other charges prior to the completion of one-half of the course of instruction offered by the school.

#### **43-11-20.3. Cancellation of contract for instruction.**

Any person has the unrestricted right to rescind, revoke, or cancel a contract for a course of instruction at any school of cosmetology after entering into the contract without incurring any tort or contract liability.

#### **43-11-20.4. Exemption from postsecondary license requirement - Solicitor's permit required.**

Schools of cosmetology are exempt from the license requirement of chapter 15-20.4. All individuals who solicit business for a school of cosmetology or who sell any course of instruction shall secure a solicitor's permit and bond in an amount and under conditions as established by the board.

#### **43-11-21. Cosmetologist, esthetician, manicurist license - Examination required - Application - Examination - Fees.**

Each individual who desires to secure a cosmetologist, esthetician, or manicurist license shall file with the board a written application under oath on a form supplied by the board. The application must be accompanied by all of the following:

1. An examination fee as may be fixed by the board pursuant to section 43-11-28.
2. Satisfactory proof that the applicant has completed the required training in a school of cosmetology.
3. A fee for original licensure as required by section 43-11-28.

#### **43-11-22. Board to determine qualifications of applicants - Delegation of power.**

The qualifications of applicants for admission to examination for registration and for certification or licensure to practice under this chapter must be determined by the board. The board may delegate authority under this section to support staff.

#### **43-11-23. Examination.**

The examination of applicants for license to practice under this chapter must be conducted under rules adopted by the board and must include both practical demonstrations and written or oral tests in reference to the practices for which a license is desired and in reference to related studies or subjects as the board may determine necessary for the proper and efficient performance of a practice. The board may require the practical portion of the examination be conducted by schools of cosmetology as part of graduation requirements. The examination may not be confined to any specific system or method and must be consistent with the practical and theoretical requirements of cosmetology.

#### **43-11-24. Cosmetologist, esthetician, or manicurist license - When issued - Failure to pass examination - Re-examination.**

1. A cosmetologist, esthetician, or manicurist license must be issued to any individual who has met all the following requirements:
  - a. Complied with section 43-11-21.
  - b. Passed to the satisfaction of the board the examination of applicants for a license to practice under this chapter.
2. If the applicant fails to pass the examination, the examination fee may not be returned. If an applicant fails to pass an examination, the applicant may be examined again with the payment of a re-examination fee as set forth in section 43-11-28.

#### **43-11-25. Licensure by reciprocity.**

The board may grant licenses under this chapter upon the payment of a fee for original licensure and the reciprocity fee if the following requirements are met:

1. The applicant has:
  - a. Provided satisfactory proof of a license in good standing with the District of Columbia, or any other state, territory, foreign country, or province where the requirements are equally substantial to those in force in this state at the time the application for the license is filed; or
  - b. Provided satisfactory proof:
    - (1) The applicant is licensed in good standing in any other state, territory, or jurisdiction of the United States to practice cosmetology;
    - (2) The applicant worked in the licensed profession for at least three of the past five years; and
    - (3) A license granted to the applicant in any other state, territory, or jurisdiction of the United States is not subject to suspension or revocation, or otherwise restricted in any manner for disciplinary purposes.
2. The applicant passes to the satisfaction of the board an examination on North Dakota laws, rules, and regulations.

#### **43-11-25.1. International applicants.**

1. An applicant with training and credentials outside of the United States shall submit, at the applicant's own expense, qualifications, credentials, and work experience for review to a credentialing agency approved by the board.
2. Failure to have a review completed by the above credentialing agency may result in the board denying the application. The board may accept or refuse any recommendations made by the credentialing agency.

#### **43-11-26. Master cosmetologist, master esthetician, and master manicurist - License - Qualifications.**

An individual may obtain a master cosmetologist, master esthetician, or master manicurist license upon meeting all the following requirements:

1. Furnishing to the board evidence of having practiced as a cosmetologist, esthetician, or manicurist for at least one thousand hours. Cosmetologists may obtain hours under the direction and control of a master cosmetologist. Estheticians may obtain hours under the direction and control of a master cosmetologist or master esthetician. Manicurists may obtain hours under the direction and control of a master cosmetologist or master manicurist. Cosmetologists and estheticians may obtain a master license under the direction, control, and responsibility of a physician or physician assistant practicing within the scope of licensure under chapter 43-17 or a nurse practicing within the scope of the nurse's license under chapter 43-12.1.
2. Paying an original licensure fee as set forth in section 43-11-28.
3. Complying with the other requirements under this chapter applicable to a master license.

#### **43-11-27. Instructor's license - Student instructor's license - Registration - Qualifications.**

1. No individual may be licensed as an instructor of cosmetology unless the individual passes a theory and a practical examination required by the board after paying the examination fee set forth in section 43-11-28 and provides evidence of having a general education equivalent to the completion of four years in high school. An applicant:
  - a. Shall possess a current North Dakota license as a cosmetologist, esthetician, or manicurist and must have at least nine hundred sixty hours instructor's training in cosmetology in a school of cosmetology;



- b. Shall possess a current North Dakota license as a cosmetologist, esthetician, or manicurist and must have been actively engaged in the practice under the scope of the applicant's license for at least one year before application for an instructor's license, supplemented by not less than four hundred eighty hours instructor's training in a school of cosmetology or course of training approved by the board; or
  - c. Shall possess a current North Dakota license as a cosmetologist, esthetician, or manicurist and shall have been actively engaged in the practice of cosmetology for at least three years prior to application for an instructor's license supplemented by not less than one hundred sixty hours instructor's training in a school of cosmetology or course of training approved by the board. No instructor or student instructor may be permitted to practice cosmetology on a patron other than that part of practical work which pertains directly to the teaching of practical operations to students.
2. Student instructors must be registered with the board. The board must record the name, age, and qualifications of the student instructor in a register. A student instructor shall possess, at the time of enrollment, a general education equivalent to the completion of four years in high school and hold a license as a cosmetologist. Upon completion of the course prescribed for student instructors, the student instructor shall make application on a form provided by the board and pay a fee as provided in section 43-11-28. The board then shall cause the applicant to be examined for an instructor's license. The examination must be given by a special examining committee comprised of the board, assisted by one person designated by the board. Upon successfully passing the examination, the board shall issue an instructor's license to the applicant.
  3. No individual is entitled to renew an instructor's license unless the instructor has furnished to the board evidence of completion of the continuing education established by the board by rule.
  4. Licensed estheticians and manicurists may only provide instruction within the scope of practice of the respective licenses determined under this chapter.

**43-11-27.1. Esthetician and manicurist licenses - Qualifications - Fees.**

The board may issue licenses for estheticians and manicurists. The board shall determine the qualifications for licensure and license fees for estheticians and manicurists.

**43-11-28. Fees.**

1. Fees to be paid by applicants for original registrations, original licenses, renewals, licenses issued upon reciprocity, and examinations as required under this chapter may not exceed the following amounts:
  - a. Original registrations, licenses, and annual renewals:
 

	MAXIMUM FEE:
(1) Salons, original registration	\$80.00 per year
(2) Salons, renewal	\$30.00 per year
(3) School of cosmetology, original registration	\$505.00 per year
(4) School of cosmetology, annual renewal	\$205.00 per year
(5) Cosmetologist, original license	\$15.00 per year
(6) Cosmetologist, annual renewal	\$15.00 per year
(7) Master cosmetologist, original license	\$25.00 per year
(8) Master cosmetologist, annual renewal	\$20.00 per year
(9) Instructor, original license	\$35.00 per year
(10) Instructor, renewal	\$20.00 per year
(11) Reciprocity license fee	\$105.00 per year
(12) Registration fee for student	\$15.00 per year
(13) Duplicate license	\$10.00 per year
(14) Certification fee	\$20.00 per year
  - b. Late fees:
 

(1) Late renewal within one year	\$50.00
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| (2) | Late renewal after one year but before five years  | \$150.00 |
| c.  | Examinations:  |          |
| (1) | Cosmetology practical examination  | \$25.00  |
| (2) | Instructors practical examination  | \$55.00  |
| (3) | Written examination fees are set and collected by the administrator of the examination and payment is the responsibility of the applicant. |          |
2. Fees are not prorated or returnable.
  3. The board shall sponsor an educational program for licenseholders to carry out the purposes of protecting the public health and safety and maintaining capable and skilled cosmetologists, estheticians, manicurists, and instructors. The board shall use such portion of the renewal fees as the board may determine for the purpose of providing the educational program.

**43-11-29. License renewal - Failure to renew.**

1. A license issued by the board expires on December thirty-first. If the application for renewal is not received on or before the expiration date, the license expires.
2. The board may renew a license if:
  - a. An application for renewal is submitted as provided by the board;
  - b. The renewal fee is paid; and
  - c. Grounds for denial do not exist under section 43-11-31.
3. The holder of an expired license, within one year from and after the date of the license's expiration, may obtain a reinstatement of the license upon:
  - a. Payment of the required late fee; and
  - b. Payment of the current renewal fee.
4. The holder of an expired license, one year after the date of expiration but before five years, may obtain a reinstatement of the license upon:
  - a. Payment of the required late fee; and
  - b. Furnishing to the board satisfactory proof of passing the North Dakota law, rules, and regulations examination.
5. The board may not reinstate a license if more than five years has lapsed since the license expired. If a license has not been renewed within five years, the individual may reapply for licensure under the requirements of initial licensure as set forth under this chapter.

**43-11-30. Revocation or suspension of license.**

The board may place on probation, revoke, or suspend a license upon proof of a violation under this chapter or a rule adopted by the board.

**43-11-31. License - Refusal to grant - Grounds.**

The board may deny an application or discipline a licensee on any of the following grounds:

1. Fraud in passing the examination.
2. Conviction of an offense determined by the board to have a direct bearing upon an individual's ability to serve the public in a profession licensed by the board, or, following conviction of any offense, the board determines the individual is not sufficiently rehabilitated under section 12.1-33-02.1.
3. Grossly unprofessional or dishonest conduct.
4. Addiction to the use of intoxicating liquor or drugs to such an extent as to render the individual unfit to practice.
5. Advertising by means of knowingly false or deceptive statements.
6. Failure to display the license as provided under this chapter.
7. Violation of the provisions under this chapter or the rules adopted by the board.
8. Permitting an unlicensed individual to practice cosmetology, or teaching in a cosmetology salon or school of cosmetology.
9. Advertising or providing services outside of the licensee's scope of practice as defined under this chapter.

**43-11-32. Hearings.**

All hearings must be conducted pursuant to chapter 28-32. For purposes of a hearing, section 28-32-21 applies only to the licensee.

**43-11-33. Board may subpoena witnesses - Fees - How paid.**

The board may require the attendance of witnesses and the production of books, records, and papers at any hearing or with reference to any matter which the board has authority to investigate and, for that purpose, may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers. The fees and mileage of witnesses must be the same as may be allowed in the court in criminal cases. Fees and mileage must be paid in the same manner as expenses of the board.

**43-11-34. Appeal from actions of the board.**

An appeal may be taken from an action of the board under this chapter in refusing to grant or in suspending or revoking a license to the district court of the county of residence of the individual who has been refused a license or whose license has been suspended or revoked. The appeal must be taken in accordance with the provisions under chapter 28-32.

**43-11-35. Penalty.**

Any individual who without a license as required under this chapter willfully practices any of the occupations, maintains a school, or acts or advertises in any capacity violates this chapter or rule adopted by the board, is guilty of a class B misdemeanor.

**43-11-36. Minimum fees may be established - Conditions - How.**

Repealed by S.L. 1981, ch. 435, § 26.